



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



January 16, 2004

CERTIFIED MAIL #7000 0600 0023 9934 1750
Return Receipt Requested

Letter of Deficiency

Mr. Steven Cohen, Facility Owner
Advanced Recycling, Inc.
25 Sandquist St.
Concord, New Hampshire 03301

**SUBJECT: FACILITY INSPECTION REPORT
FOR ADVANCED RECYCLING, INC.,
SANDQUIST STREET/POPLAR AVENUE
CONCORD, NEW HAMPSHIRE
PERMIT # DES-SW-SP-99-003**

Dear Mr. Cohen

The Department of Environmental Services (Department) performed an inspection of Advanced Recycling, Inc., located on Sandquist Street/Poplar Avenue, in Concord, New Hampshire on December 5, 2003 pursuant to RSA 149-M:6,IV. Based on the inspection, the facility must address the following operational issues to assure that it is operated and managed in accordance with the New Hampshire Solid Waste Rules (Rules) and the terms and conditions of its solid waste permit. A copy of the inspection report is attached to this letter. In addition to reviewing the summary page of the inspection report, please note the following comments:

1. Pursuant to item 5(b)(1) of the Terms and Conditions of the Standard Permit, the maximum amount of scrap metal allowed to be stored at the Sandquist Street and Poplar Avenue portions of the site is 4,000 tons.

Based on visual inspection and discussion between you and Department staff, the amount of material currently stored at the facility appears to exceed the 4,000 ton limit. Please reduce the weight of scrap metal on Sandquist Street and Poplar Avenue (Site) to 4,000 tons. To assist in evaluating the weight of material currently stockpiled on the Site, please provide a plan showing the location of each individual stockpile, in relation to Site features such as the property boundaries and wetlands. In an accompanying table, please provide an estimate of the volume and weight of the material in each pile. In addition, please provide a schedule to reduce the current weight of material on the two sites to the 4,000 ton maximum cited in the permit.

2. As a result of the significant amount of scrap metal on the site, there is concern relating to "access to" and "egress from" the facility (Env-Wm 2705.03(a) of the Rules), on-site traffic flow (Env-Wm 2705.03(b) and Env-Wm 2704.02(d) of the Rules), access for fire control (Env-Wm 2104.05(c) and Env-Wm 2104.05(d) of the Rules), fire personnel safety (Env-Wm 2702.04(b) of the Rules), and public safety due to instability of the existing scrap metal piles (Env-Wm 2104.04(a) and Env-Wm 2104.05(e) of the Rules).

Please provide to the Department a letter from the local safety authority(ies) identifying any concerns regarding health and safety at the site and a schedule to achieve compliance with those concerns.

3. Pursuant to Env-Wm 2805.011(d)(3)a of the Rules, the approved Operating Plan for the facility states that the hours of operation of the facility are as follows:

Hours Open to the Public	7:30 am to 4:30 pm Monday through Friday, 8:00 am to 12:00 pm Saturday
Processing Hours	7:00 am to 6:00 pm, some indoor operations will be seasonally operational until 10 pm

Env-Wm 2805.08(b)(1)b of the Rules states the "alternative hours shall not result in problems relating to safety, access control or nuisances". Complaints have been received regarding facility operation occurring prior to 6 am (i.e., trucks idling).

Please limit the hours of operation to those outlined in the permit.

4. Pursuant to Env-Wm 2705.09(d) of the Rules, complaints made by abutters or other third parties which involve operating conditions or practices having the potential to adversely effect human health, safety or the environment are to be reported to the Department. Several complaints have come to the Department's attention that were not reported.

In the future, please report to the Department all complaints received by Advanced Recycling.

5. In accordance with Env-Wm 2805.05(c) of the Rules, a copy of the Closure Plan shall be maintained at the facility. A copy of the Closure Plan could not be located at the facility at the time of the site inspection.

Please maintain a copy of the Closure Plan at the facility

6. Pursuant to Env-Wm 2805.05(e) of the Rules, all of the current operator certification certificates shall be displayed at the facility. Although a couple of the certificates were displayed in the front foyer of the facility, the remainder were filed or could not be located.

Please display all of the current operator certification certificates at the facility.

7. Pursuant to Env-Wm 2803.03(b) of the Rules, weather resistant signs, which state that access is restricted, shall be posted around the perimeter of the site wherever fencing is not required.

Please install weather resistant signs between the rail line and the property and along the southern property boundary.

Please complete items 3, 4, 5, 6, and 7 outlined above **within 30 days** of receipt of this letter. At the same time please provide a proposed compliance schedule for items 1 and 2. Failure to correct the deficiencies noted in this letter could result in additional enforcement activities including seeking an administrative fine.

If there are any questions or comments, please call me at 271-2925.

Sincerely,

 **COPY**

Richard S. Reed
Administrator
Solid Waste Management Bureau

Enclosure: Inspection Report

cc: Richard Reed/Michael Guilfooy/David Rousseau/ Gretchen Rule/SWMB File
Anthony R. Giunta, P.G., Director, WMD
Hamilton Rice, P.E., Code Administrator
Tim McGinley, Lieutenant, Concord Fire Department
City of Concord